

REMARKS

The Office Action dated December 17, 2004 has been reviewed. Claims 1-9 are pending.

Claims 2-5 and 9 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully thanks the Examiner for indicating the allowable subject matter recited in claims 2-5 and 9.

Claim 6 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,285,805 to Proper. Applicant respectfully traverses the rejection under 35 U.S.C. § 102(b). Claim 6 recites a valve including a body, a seat, and an elastomeric actuator. The body defines a passage. The seat is disposed in the passage, and defines an aperture having a sealing surface disposed about a central axis. The elastomeric actuator extends through the aperture and is deformable between a first configuration that engages the sealing surface to prohibit fluid flow through the aperture, and a second configuration spaced from the sealing surface to permit fluid flow through the aperture. Support for these features is provided at, for example, paragraph 0018 and Fig. 1 and Fig. 3, of Applicant's specification as originally filed.

In contrast, Proper merely shows an elastomeric member disposed in a bore. As described at col. 4, ll. 1-6, and illustrated in Figs. 1-3 of Proper, a cylindrical elastomer 2 seals off a bore 20 between inlet port 5 and outlet port 6, preventing fluid flow between inlet port 5 and outlet port 6. When pull handle 4 is pulled, the cylindrical elastomer 2 stretches, the diameter decreases, and a flow path is created between inlet port 5 and outlet port 6. Applicant submits that Proper does not teach or suggest at least the features of a passage, a seat defining an aperture having a sealing surface and disposed in the passage, and an elastomeric actuator extending through the aperture and engaging the sealing surface, as recited in claim 6.

Moreover, any modification of the valve of Proper to include a seat disposed in the bore would render the valve of Proper unsatisfactory for its intended purpose. As described at col. 2, ll. 59-63, it is an object of the invention of Proper to provide a valve that does not allow any residual fluid to remain in the flow path when the valve is in a closed position. Accordingly, as described at col. 3, ll. 47-54, the diameter of the cylindrical elastomer 2 is slightly larger than that of the bore 20, thereby creating a fluid tight seal when compressed and placed within the

bore 20. The fluid tight seal completely evacuates the bore 20 of fluid when the valve moves from the open position to the closed position. Applicant respectfully submits that modifying the valve of Proper to include a seat disposed in the bore would render the valve of Proper unsatisfactory for its intended purpose because the seat would prevent cylindrical elastomer 2 from forming a fluid tight seal with the wall of the bore 20 to completely evacuate the bore 20 of fluid when the valve moves from the open position to the closed position. As discussed in M.P.E.P. § 2143.01, “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).” Accordingly, claim 6 is patentable. Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b), of claim 6, be withdrawn.

Claims 1, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Proper and U.S. Patent No. 5,413,082 to Cook et al. (“Cook”). Applicant respectfully traverses the rejection under 35 U.S.C. § 103(a), of claims 1, 7 and 8. Claim 1 recites a canister purge valve, including a body, a seat, and an elastomeric member. The body defines a passage. The seat is disposed in the passage and defines an aperture having a sealing surface. The elastomeric actuator extends through the aperture and engages the sealing surface to prohibit fuel vapor flow through the aperture. Claim 7 recites a method of regulating fuel vapor flow utilizing a canister purge valve. The canister purge valve includes a body, a seat, and an elastomeric member. The body defines a passage. The seat is disposed in the passage and defines an aperture having a sealing surface. The elastomeric actuator extends through the aperture. The method includes engaging the sealing surface with the elastomeric actuator to prohibit fuel vapor flow through the aperture.

As described above, Proper merely shows an elastomeric member disposed in a bore, and any modification of the valve of Proper to include a seat disposed in the bore would render the valve of Proper unsatisfactory for its intended purpose. Applicant submits that Proper does not teach or suggest at least the features of a seat disposed in a passage and defining an aperture having a sealing surface, and an elastomeric actuator extending through the aperture and engaging the sealing surface to prohibit flow through the aperture, as recited in claim 1, or engaging the sealing surface of the seat aperture with the elastomeric actuator, as recited in claim

7. Cook is directed to a canister purge valve having a one-piece guide and valve seat 70 that is configured to cause sonic flow when a rigid valve head 86 having a frusto-conical seating surface is opened. Applicant submits that Cook does not teach or suggest at least the features of an elastomeric actuator extending through an aperture to prohibit flow through the aperture, as recited in claim 1, or engaging a sealing surface of a seat aperture with an elastomeric actuator, as recited in claim 7. Moreover, Applicant respectfully submits that modifying the valve of Cook to include an elastomeric actuator rather than a rigid valve head having a frusto-conical seating surface would render the valve of Cook unsatisfactory for its intended purpose because the flow through the valve seat would not be sonic.

Claim 8 depends from claim 7 and recites the same combination of allowable features recited in claim 7, as well as additional features that define over the prior art. Accordingly, claims 1, 7 and 8 are patentable. Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a), of claims 1, 7 and 8, be withdrawn.

Applicant submits that all pending claims, *i.e.* claims 1-9, are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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By: _____


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